

REMARKS

Claims 1-18 are currently pending in the present application, with Claims 12 and 13 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 12 and 13 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended the claims to further clarify the claimed subject matter, and respectfully submit that the amended claims comply with the requirements of 35 U.S.C. § 112.

The Examiner rejected Claims 1-8, 10-14, and 16-18 under 35 U.S.C. § 102(b) as being anticipated by Farber (U.S. Patent Pub. No. 2002/0052884). This rejection is respectfully traversed.

As previously communicated, the present invention is generally directed to an apparatus or program-encoded medium for facilitating the replication of musical content that is otherwise protected from unauthorized duplication. According to a preferred embodiment of the present invention, original music content is acquired from an original source, after which duplicate copies is replicated. During replication of the original musical content, additional information is generated and appended to the replicated musical content. In addition to indicating that the replicated musical content is a duplicate copy, the additional information also indicates the source from which the duplicated copy is replicated.

Farber is generally directed to data processing systems in which unique identifiers are used to identify data items. With respect to Claims 1 and 16, Applicants submit that Farber does not contain any disclosure or suggestion of an “additional information generation section” that generates “additional information” as recited in the claim.

Specifically, as discussed above, the present invention as recited in Claims 1 and 16 includes an additional information section that, upon replication of content from an original source, generates

additional information that indicates the replicated content is in fact a replication. The Examiner, at page 4 of the Detailed Action, cites “True Name” in the table following paragraph [0123] of Farber as disclosing such a feature. Applicants respectfully disagree. Applicants note that the reference to “True Name” as cited by the Examiner does not represent that any “generated new music content” is based on replication. Rather, “True Name” as the explained in the table refers only to a unique data identifier for a particular data item (see paragraph [0054]); it is a computer value that is computed in response to modifications to an existing file (see Fig. 10(a), also paragraphs [0057] – [0073]). This computed value does not inform, in any way, that an associated content data is a replicated content.

Furthermore, Claims 1 and 16 requires that the additional information further includes a replication source information identifying a replicated-from source. This is also not disclosed in Farber. The Examiner cites the table following paragraph “source location” as the term is disclosed in the table following paragraph [0127] of Farber; however, Applicants submit that “source information” is not a replication source information that is a part of the “additional information. Rather, “source information” is simply path information indicative of a location of a file to be accessed by a local processor.

Finally, there is no disclosure or suggestion in Farber, including in paragraph [0494], that suggests “source information,” along with the information indicating the replicate nature of a file, is added as “additional information” to the replicated content. Rather, paragraph [0494] of Farber teaches that, when data file is to be copied onto a system, and if that data file already exists in the system under a different name, then a new name is linked to the already existing data item. There is no disclosure of appending “additional information” to replicated musical content.

Likewise, with respect to Claims 10 and 18, Farber does not teach or suggest an “acquisition section” that acquires music content that includes “additional information,” which includes information indicating that the acquired music content is a replicate, and replicate source information identifying a replicate-from source of the replicated music content. Furthermore, with respect to Claims 10 and 18, Applicants note that the “Locate True File Remote Mechanism” described in paragraph [0510] of Farber is directed to searching for data available on another system or server, and has nothing to do with the claimed feature of “searching for original music content.”

In view of the above, Applicants respectfully submit that Claims 1-8, 10-14, and 16-18 are not anticipated by, nor obvious in view of, Farber

The Examiner rejected Claims 9 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Farber in view of Boykin (U.S. Patent Pub. No. 2001/0042048). This rejection is respectfully traversed.

As discussed above, Farber does not show or suggest an “additional information generation section” as recited in Claim 1, or “acquisition section” and “search section” as recited in Claim 10. Boykin fails to make up for the deficiencies of Farber in that Boykin discloses only a musical distribution method by which a first user may purchase musical content and freely distribute, to a second user, the purchased musical content at a lower recording quality. Applicants respectfully submit that Claims 9 and 15 are also in condition for allowance for the same reasons provided above with respect to the independent claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is

determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032045000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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